

ALMENA TOWNSHIP  
27625 CR 375  
PAW PAW MI 49079

**ALMENA TOWNSHIP BOARD**  
**MEETING MINUTES**  
**JUNE 12, 2013**

The Almena Township Board met at the Township Hall. The meeting was called to order at 7:00 p.m. The Pledge of Allegiance was led by Supervisor Stiles.

Roll call: Mark Roman, Bill Van Tassel, Jim Manning, Doug Stiles, Jerry Lentz, Sheri Manning, and Sandra Rickli.

**AGENDA APPROVAL:**

Bill Van Tassel added under Unfinished Business, item # 2, Mattawan Emergency Service Proposal; and Jerry Lentz added under New Business, item (#1) Proposal on 23<sup>rd</sup> St.

**MOTION**: **Motion** by Sheri Manning to approve the agenda as amended, **second** by Mark Roman. **Motion approved.**

**REGULAR MEETING MINUTES APPROVAL:**

**MOTION**: **Motion** by Jerry Lentz to approve the meeting minutes of May 16, 2013 as presented, **second** by Bill Van Tassel. **Motion approved.**

**PRESENTATION/APPROVAL OF BILLS:**

**MOTION**: **Motion** by Sandra Rickli to approve bills in the amount of \$27,524.89, **second** by Bill Van Tassel. **Motion approved.**

**CORRESPONDENCE AND ANNOUNCEMENTS:**

Clerk Rickli shared the following correspondence that was received; State Representative, Aric Nesbitt, has invite the board to a "Local Officials Meeting" to be held Monday, June 17<sup>th</sup> at the Van Buren ISD Conference Center in Lawrence. The Board is also invited to the Van Buren Conservation District Annual Summer Meeting/Director Elections Summer Farm Day & Picnic on July 24 at 6:00 at the Rainey Farm in Bangor, RSVP by July 17<sup>th</sup>.

**REPORTS:**

Commissioner: Dick Godfrey distributed his monthly report from the County Commission.  
Sheriff's Dept.: Deputy Wilton distributed the May 1-May 31 report for Almena Township, reporting 85 calls for service for the month.

**LIMITED PUBLIC COMMENT:**

Valerie Lowe, CR 653, she owns property on Whiskey Run. She came to complain about the neighbors trailer that is next to their Whiskey Run property that they own; the trailer is on their property, it is fire burned and a big source of blight. They have been talking with Doug. Attorney Stewart explained there is a court order to remove the trailer within 30 days, which will be July 6.

Mike Schewe, 38800 23<sup>rd</sup> St., owns the property that he is renting to Ed Santora, who is attempting to get a variance granted to conduct business there, or a special use permit, whichever

is recommended by the zoning administrator. ~~No neighbors seem to be in opposition to this, except for one.~~

The board explained that they must stop all work and not continue until authority has been given, of which Mr. Santora will comply.

**REPORTS:**

Treasurer: Sheri Manning gave the following report. The township has received the final distribution check for \$31,523.91 which will be distributed ~~equally~~ between fire, roads, etc. *as per millages.*

There are four (4) remaining delinquent personal property tax parcels, which must be settled by the middle of July or ~~interest will be added~~ *legal action will be taken.* The Treasurers Department is preparing for the summer tax bill which must be mailed by July 1<sup>st</sup>. New legislation is now in place which extends the final tax due date to September 16, instead of the normal 14<sup>th</sup>, because the 14<sup>th</sup> falls on a Saturday.

Senior Services has made a request for Alma Township representation on the board for Senior Services. Members of the board had questions, so Sheri has made two requests for additional information that have not been answered.

Sheri inquired of Attorney Stewart the status of Championship Construction, as to seizing of property. He will connect with Sheri as soon as he receives a report from the enforcement officer.

Sheri also reported that she is working with our IT person to create another page on our website for announcements and hopefully a ListServe for community feedback.

Our annual audit is scheduled for June 17-18.

Planning Commission: No report, there was no June meeting.

Parks and Recreation: Bill Van Tassel reported on the Farmers Market, the first Saturday was cancelled due to the threat of severe weather. There will be five (5) co-managers helping throughout the summer; nametags will be needed for them.

Cedar mulch will be delivered next week by Kalamazoo Landscape Supplies, to be spread on the township grounds, and the township will be billed.

Ducks Unlimited is in the discovery phase of the process with the water way preservation at Wolf Lake. Dean Kramer of Ann Arbor is working with Bill; Bill will keep the board updated.

Jerry Lentz installed a new basketball backboard; thank you to Jerry!

Clerk: Sandra Rickli gave her report. Cemetery update: We have received two (2) estimates for the cement work and the fence. Waiting for another fence estimate and an updated estimate from one of the companies previously received. This will all be brought to the board in July.

The Township has received a Rezoning Request from Bob Parshall which has been forwarded to McKenna for their review, and the PC Chair has been alerted as to the application being received.

The Clerk will update the Zoning Ordinance following the approved Zoning Ordinance Amendment tonight, along with the Wireless Ordinance updates for disbursement.

New forms have been discovered for the special applications, including Rezoning applications, Special Use applications, and Variance applications. It was the consensus of the board that they will be made available in the office and placed on the website.

Supervisor: Doug Stiles gave the following report: The boom mowing is being done right now in Alma, they will be here until all the mowing is complete. The Detroit Free Press has made a FOIA request regarding the salary and request details of the Supervisor position for Alma.

They are doing a story regarding the pay of elected officials and are compiling information.

Doug is in compliance; a ten (10) day extension was requested and approved.

Doug has been reappointed to the Land Preservation Board for another two (2) year term.

NEW BUSINESS

1. Land Use and Noise Ordinance Updates-Scott Paddock from Texas Township:

Scott Paddock, Code Enforcement Officer from Texas Township introduced himself to the board and public. He works for Almena Township through shared services with Almena and Texas Townships.

To address the neighborhood situation on 38<sup>th</sup> Ave., To begin with, everything Matt Bambacht is doing thus far is permitted, per Scott. The nuisance factor is only in the Zoning Ordinance as a definition, there is no provision to enforce, thus no violation. Scott suggested, possibly creating a general nuisance ordinance, if that is the direction the township would like to go, to prevent or be able to enforce in the future. There was much discussion in regards to the ORV riding, very large bonfires, and shooting that has been going on. Trustee Mark Roman referenced a gun law, which was discovered, is not permissible in this case. There is also an Act that addresses ORV use as suggested by Attorney Stewart. Gary Stewart also shared that the sheriff's department should be called each time there is a large concern, so that the situation is documented. He also shared that the neighbors are entitled to file a civil action suit against their neighbor, which would force compliance by the courts.

Scott also shared that there has been a complaint made against Bob Parshall, 23<sup>rd</sup> St. that he is running a business without a permit. He must get a special use permit approval to continue to store vehicles and make trades to other businesses. He is storing vehicle parts in the pole barn.

It was suggested that Scott use Almena Township Letterhead, which will be provided to him, in the future for situations involving our Township. Also, it was requested of Scott, that verbal written statements/letters that are written to violators in regards to complaints, should have a township board signature as well. Emails are also acceptable forms.

The Santora auto repair business that is being conducted in the building owned by Mr. Schewe and being bought on land contract by Santora was addressed. Mr. Santora must cease and desist any further action or work at the garage until proper permits/applications have been approved, which Mr. Santora is aware of. Scott will report back to the board with updates.

Scott also shared with the board that if the Zoning Ordinance is not spelled out exactly he is not able to enforce; something Almena may want to look further into, possibly through the Planning Commission. The enforcement must be complaint-based as he does not go looking for Zoning Ordinance non-compliance or blight issues. He will always talk to the offender first, then send a letter as the next step. Scott will provide the board with a monthly report.

2. Seized Real Property Tax Sale:

Sheri Manning shared communication received from the Van Buren County Treasurer in regards to four parcels of property for sale that are located in Almena Township. There are four properties have been seized by the County for failure to pay real property taxes and are now for sale. Any parcels purchased by the Township must be for public use and the deed would be restricted as such. The Treasurer must notify the County in writing by June 21, 2013 of purchase desire or intent to decline. It is the recommendation of Sheri to decline, in that, each of the parcels is very small in size and the locations are not conducive to any other property owned by the township, therefore, they would hold no value as a public use property.

**MOTION:** **Motion** by Sheri Manning to decline to purchase all four (4) parcels offered for sale to Almena Township, **second** by Bill Van Tassel. **Motion passed.**

3. Proposed Lot Split Procedure Amendment Sec. 22.02 A-D:

The board reviewed the information packet as received from the Planning Commission. It was the consensus that the recommended zoning ordinance amendments are needed.

**MOTION:** **Motion** by Sheri Manning to approve the proposed lot split procedure amendment Section 22.02 A-D as recommended by the Planning Commission, **second** by Jerry Lentz. **Motion passed**

**UNFINISHED BUSINESS**

1. Road Projects 2013:

A report of road expenditures was given by the Supervisor, which follows:

Ditching and mowing will be \$2000 for each one. This is an automatic budget amount each year. Dust Control will be \$6,431.18, which will be all dirt roads in Almena, with the exception of 28<sup>th</sup> Ave between CR 653 and 22<sup>nd</sup> St., this estimate is based on 8.49 miles of gravel road and an application rate of 1,500 gallons per mile. Grading and paving will be \$65,000 which will be the township funds, along with county millage allocation of \$8,893 for a total of \$73,893. Seal coating for 24<sup>th</sup>/38<sup>th</sup> Ave/Trestle Creek Subdivision will be a total of \$54,780. The township funds will be \$44,480, with \$10,000 to be county millage allocation. Dust control will be ~~\$120,211~~ \$6,431.18, with the Road Commission allocating \$19,893. The lowest bid to pave 38<sup>th</sup> Ave is \$196,000, the township only has \$120,000 to work with.

The Treasurer questioned the Supervisor as to if he had already signed and returned the approval sheet to the Road Commission without board approval. The Supervisor answered three times that he had not signed and returned the form yet. The Treasurer then shared that she had called the Road Commission to verify that the forms had not yet been signed and returned as the Supervisor indeed said, but found out that the forms had been signed and returned already, prior to board approval. The Supervisor did not dispute the report but instead stated that the work cannot be done until the Road Commission Engineer- Manager signs off on the approval sheet anyway, and then returns the jointly signed copy anyway, so it isn't official yet. It was then the consensus of the board that proper procedure **MUST** be followed, the board members must first get the information to review in a timely manner, and then the issue must be approved by the board **FIRST** before approval is given in the form of a signature.

**MOTION:** **Motion** by Jim Manning to approve the following projects **ONLY**: Seal Coating on 24<sup>th</sup> St. from CR 375 to 38<sup>th</sup> Ave for \$10,725, 38<sup>th</sup> Ave from 24<sup>th</sup> St. to CR 652 for \$8,580, and Trestle Creek Subdivision (2.15 miles) for \$35,475.00 for a total of \$54,780 (Township Funds will be \$44,780 and County Allocation will be \$10,000) until further information is given, **second** by Jerry Lentz. **Motion passed.**

2. Mattawan emergency service proposal

Bill Van Tassel shared with the board that the Supervisor received from Mattawan Fire Chief, Terron McLaine a copy of a proposal for services with Almena Township, quite a while ago, and this information was never forwarded to the board; Bill requested that this information be forwarded to the board members for their review and to be placed on the next meeting agenda board meeting for July 10, 2013.

**MOTION:** **Motion** by Mark Roman that the Mattawan emergency service proposal be placed on the agenda for the July 10<sup>th</sup> 2013 board meeting and that documentation be distributed to all the board members, **second** by Jim Manning. **Motion approved.**

It was asked, again, of the Supervisor, if he had checked on the free road county survey being offered by the Van Buren County Planning Commission, as it is a first come, first serve situation. No calls have been made yet. Doug Stiles will call to inquire about Almena being placed on the list for the free road count on 30<sup>th</sup> St. and will report back to the board in July as to his findings regarding the status of Almena on the waiting list.

**OPEN PUBLIC COMMENT:**

**Mike Kubiszak:** 37760 CR 653, had questions regarding his neighbor, he would like clarification on shooting, his range is 250-275 ft distance, which is well within the 400 ft. range. He showed pictures of his neighbors bonfire, which resembles that of a plane crash. The Attorney mentioned state law in regards to quality of life, and reckless discharge of firearms.

**Matt Bambacht/Brittany Hargrore** 28668 38<sup>th</sup> Ave. addressed the board in regards to their neighbors complaints, they feel they are trying to work with their neighbors, Brittany feels this has been done with common courtesy. He is done with the big riding events with his friends on the ORV's. Matt feels his shooting area is safe, the berm area is adequate, it has been checked out by the Sheriff's deputy. His neighbors are calling the cops on him every day and he is trying to work things out with them. He wants to use common courtesy and get along with his neighbors. Matt said he will try to be a good neighbor in his community.

**ADJOURNMENT:**

**MOTION:** **Motion** by Jim Manning to adjourn the meeting, **second** by Jerry Lentz. **Motion passed.** The meeting adjourned at 8:40 p.m.

ALMENA TOWNSHIP

Sandra B. Rickli  
Almena Township Clerk

cc: Township Board (7)  
Planning Commission (8)  
ZBA (5)  
Attorney Kelly Page  
Attorney Gary Stewart